

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLISON MICHELE CRUZ,

Plaintiff,

-against-

DIASPORA CO., LLC,

Defendant.

23-cv-8309 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On November 13, 2023, Defendant moved to dismiss the complaint. Dkt. 12. On December 11, 2023, the Court granted Defendant permission to depose Plaintiff on the issue of standing and convert its motion to dismiss to a motion for summary judgment. Dkt. 20. On January 23, 2024, Defendant confirmed that it intends to take Plaintiff's deposition on the issue and convert its motion. Dkt. 25. In light of Defendant's intent to convert its motion, the original motion to dismiss is denied without prejudice. When Defendant files its new motion, it may also renew its non-standing arguments that remain in a motion-to-dismiss posture.

The Clerk of Court is directed to close Dkt. 12.

SO ORDERED.

Dated: January 26, 2024  
New York, New York



ARUN SUBRAMANIAN  
United States District Judge